

# STRUCTURAL PEST CONTROL ADVISORY COMMITTEE

## MINUTES

**Meeting Date: January 21, 2021**  
**Meeting No. 1**

**Place: Stephen F. Austin Building**  
**Microsoft Teams Meeting**

### **MEETING ATTENDANCE:**

#### **Advisory Committee Members**

Warren Rimmey  
Jeffrey Sheets – unable to attend  
Brien Binford  
Roger Borgelt  
Clint Lehew  
Dr. Robert Puckett  
Dr. Ketki Patel  
Randy McCarty  
Nancy Zaiontz  
Robert Schoppe – unable to attend  
Dr. Nancy Crider

#### **Agency Staff**

Michael Kelly  
Allison Cuellar  
Aaron Curiel  
Leslie Smith  
David Castillo  
Morris Karam

#### **Affiliation**

TDA  
TDA  
TDA  
TDA  
TDA  
TDA

#### **Program**

ACP  
ACP  
ACP  
ACP  
GC  
GC

#### **Interested Parties**

Todd Kercheval  
Bob Davis  
Santos Portugal  
Ryan Skrobarczyk

#### **Affiliation**

TPCA  
BASF  
ABC Home and Commercial Services  
Texas Nursery & Landscape Association

### **I. Call to order**

The meeting was called to order at 9:05 a.m. by Roger Borgelt, Chairman of Structural Pest Control Advisory Committee, he asked if there were any interested parties in attendance that would be making public comment.

Mike Kelly of the TDA took roll of attending committee members, TDA staff, and public attendees; and identified the following individuals wanting to make public comment:

Bob Davis with BASF and Todd Kercheval with Texas Pest Control Association.

## **II. Election of Chairman and Vice Chairman**

Randy McCarty nominated Roger Borgelt to serve as committee chairman, seconded by Nancy Crider. The committee members voted in favor of Roger Borgelt serving as committee chairman. Nancy Crider self-nominated to serve as vice chairman, seconded by Clint Lehew. The committee members voted in favor of Nancy Crider service as committee vice chairman.

## **III. Review and Approval of Minutes of the October 22, 2020 meeting**

Roger Borgelt asked for a motion to approve the minutes from the October 22, 2020 meeting, Brien Binford made the motion to approve; Ketki Patel seconded the motion.

## **IV. Reminder to Complete the Self-Assessment Questionnaire by February 12, 2021**

Mike Kelly asked the committee members to have the self – assessment questionnaire completed by 2/12/21, so the information can be compiled and prepared for the next meeting.

## **V. Pesticide Surveillance Program and Disinfectant Safety Training for Licensed Childcare Facilities**

Ketki Patel provided an update on pesticide surveillance activity. There has been a drop in reporting due to working from home or reporting delays. Out of 270 plus reports in the year 2020, 50% involved human exposure due to disinfectants or cleaning supplies.

The DSHS received CDC grant in the summer of 2020 to develop training for licensed childcare facilities in Texas. The DSHS is partnering with Texas A&M AgriLife Extension and Texas Tech University to develop web-based training to be hosted on the AgriLife website. The target of this training is home based childcare centers. The training will focus on the safe use of antimicrobials in home childcare facilities and should go live in the next 2 – 3 months.

## **VI. Discussion and Possible Action**

### **a. Structural Pest Control Insurance Requirements**

Nancy Zaiontz provided an update regarding insurance premiums if requirement amounts were to increase. If we increase the insurance requirement amounts from \$200,000 for bodily injury and property damage coverage, with a minimum total annual aggregate of \$300,000 for all occurrences to \$500,000 and \$500,000, premiums will increase \$85 - \$100.

Nancy Crider asked how long it would take to raise the insurance amounts. Roger Borgelt stated there would be a comment period. Mike Kelly explained the SPCS is currently reviewing rules for possible revision. Roger suggested to time it so it goes into effect in the summer and fall and that we can have a public hearing on this and invite comment.

It was asked what types of situations are covered by the insurance. Nancy Zaiontz explained it covers claims such as inaccurate Wood Destroying Insect Reports (WDIR's), if an applicator is drilling through a slab for a termite treatment and hits a water line, if there is discoloring of carpet after spraying, etc.

Randy McCarty said he thinks \$500,000 is good and agreed about the public hearing; Brien Binford also thinks \$500,000 is a good amount.

Brien made a motion to go forward with changing the insurance amounts to \$500,000 and \$500,000, Randy seconded the motion, and the committee all voted in favor.

### **b. Separate Category for WDIR Inspection Only Next Steps**

Allison Cuellar shared a Power Point presentation demonstrating the changes that would have to take place to accommodate or add a separate category for a WDI inspection only. The presentation covered the changes and updates to rules that may be needed.

The committee discussed the information in the Power Point presentation. The committee was concerned that the new category would require existing licensees who currently hold the termite category, which covers WDI inspection, to take two CEUs to meet the continuing education requirements. The committee is concerned that the expense of this change will be put on current licensees. Roger Borgelt suggested that there should be an opportunity for public comment on this issue and the committee members agreed.

Roger Borgelt suggested that a draft of the proposed rule be made and presented to the public. Then a meeting can be held to hear public comment on this draft rule. Nancy Crider suggested having a public meeting in October so members of the public can attend in person. Roger Borgelt asked for a motion for the TDA

staff to draft a straw man rule that makes changes along the lines of the power point presentation to be distributed to stake holders and have a public hearing at the 10/21 advisory meeting. Robert Puckett motioned to approve; Warren Remmey seconded the motion.

## **VII. TDA Update**

### **a. Review of Inspection and Enforcement Data for First Quarter of FY 2021**

Allison Cuellar presented the first quarter numbers and Roger Borgelt asked for clarification on the increased number of violations for operating without a license. Allison explained that changes in our advertising rule now allow the agency to take action against companies that are advertising pest control services without a license.

Morris Karam clarified that some of the operating without a license violation are also due to late renewals or unlicensed applicators who are not registered with the company and are performing services.

### **b. Public Health Section 18 for American Airlines/Surface Wise 2**

Mike Kelly talked about the recent section 18 registration of the product Surface Wise 2 by Allied Bioscience for disinfectant use by American Airlines for the COVID 19 virus. The product once dry will continue to kill the virus for an extended period. The initial label approval was for 7 days, but continued research by Allied Bioscience and EPA found that the product could be approved for 30 days of efficacy on nonporous surfaces.

## **VIII. Discussion and action- Topics to be placed on agenda for upcoming meeting (s)**

Roger Borgelt suggested that the topics for the next meeting should include the new pest control insurance requirements; and the toxicity categories for school IPM rules brought up by Ketki Patel on behalf of Janet Hurley. The 48-hour posting requirement at schools was also brought up, but this would take a legislative change. Ketki Patel will provide an update on poison center data regarding human exposures numbers on a quarterly basis. A follow-up with enforcement on operating without a license, penalties assessed and paid was mentioned.

## **IX. Public Comment**

Bob Davis with BASF asked for clarification on whether or not CEU providers had to keep the actual CEU certificates provided to their attendees for two years. Allison confirmed that the CEU provider does have to maintain attendee

information for two years but keeping the attendance roster would be sufficient. It is not necessary to keep the actual certificate for each attendee, when the information needed to create the certificates can be found on the attendance roster.

Todd Kercheval with the Texas Pest Control Association expressed that he does not support the creation of a new WDI only category. He informed the committee that there are a number of concerns regarding this change that will be brought up at the right time.

**X. Confirmation of Next Meeting Date – April 22, 2021**

The next meeting date was confirmed for April 22, 2021.

**XI. Adjourn**

At 11:20 am Roger Borgelt moved to adjourn the meeting; Randy McCarty made the motion to adjourn.